

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | 4:04CR3061 |
| v. |) | |
| |) | |
| KENNETH SLOMINSKI and |) | |
| ROGER RIKLI, |) | MEMORANDUM AND ORDER |
| |) | |
| Defendants. |) | |
| _____ |) | |

A conference with counsel was held by telephone conference call on November 27, 2006. Counsel advised the court of the status of their negotiations, and counsel for defendant Slominski made a request, to which no objection was interposed. Since the defendants have waived jury trial, defendant Slominski requested that the hearing on the defendants' joint motion to dismiss now scheduled for December 4, 2006 be continued until the trial and combined with the trial, when the witnesses who would testify on the motion would also be present to testify at the trial. It appearing that the request would likely save judicial resources, the court agreed.

In addition, counsel for defendant Slominski also requested that defendants be given until December 6 to file motions now set to be filed by November 28. Again, there being no objection, the court agreed.

IT THEREFORE HEREBY IS ORDERED,

1. The hearing on the defendants' motions to dismiss now scheduled before the undersigned on December 4, 2006 is continued, and will be heard by the trial judge in conjunction with the evidence adduced during the trial.

2. Defendants are given until December 6, 2006 to file motions in limine, and/or matters pertaining to immunized testimony, and/or matters included in Federal Rule of Evidence 104, and/or matters otherwise addressing the adducement of evidence during the trial. If necessary, such motions may be filed under seal.

DATED November 28, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge